

1147 Vista de Oro

City of El Paso — City Plan Commission — 03/21/2019

PZDS18-00036 Detailed Site Plan – Laboe Labrado



STAFF CONTACT: Anne Guayante, (915) 212-1814, guayanteam@elpasotexas.gov

OWNER: Laboe Labrado

REPRESENTATIVE: Laboe Labrado

LOCATION: 1147 Vista de Oro, District 7

LEGAL DESCRIPTION: Lot 3, Block 11-B, Vista del Sol #9, 1147 Vista de Oro, City of El Paso, El Paso County, Texas

EXISTING ZONING: C-4/sc (Commercial/special contract)

REQUEST: Approval of Detailed Site Development Plan

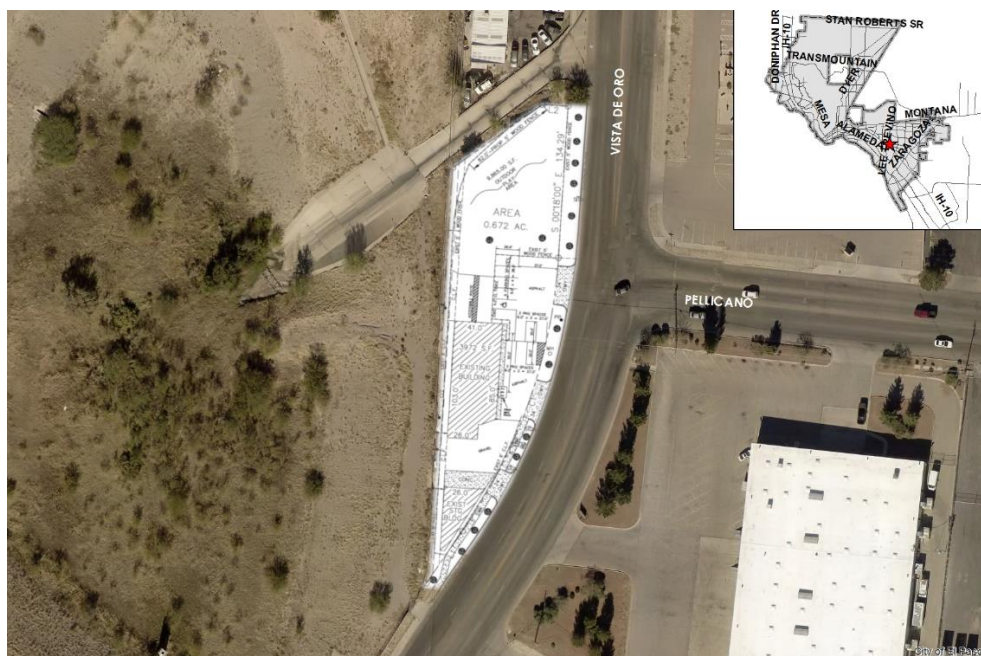
RELATED APPLICATIONS: N/A

PUBLIC INPUT None received; Notices are not required.

STAFF RECOMMENDATION: Approval (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The applicant is requesting Detailed Site Development Plan Approval from the El Paso City Plan Commission as required by Ordinance 4551. This ordinance changed the zoning district of the subject property to the C-4 (Commercial) District. The applicant has constructed a storage structure on his property to allow for storage of equipment associated with the daycare use. Approval of the Detailed Site Development Plan will allow him to obtain building permits for this addition.

SUMMARY OF RECOMMENDATION: The Development Coordinating Committee recommends **APPROVAL** of the Detailed Site Development Plan. The proposed development as depicted is consistent with other commercial districts and uses in the immediate area, and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of the G-4, Suburban (Walkable) land use designation of Plan El Paso, the City's Comprehensive Plan.

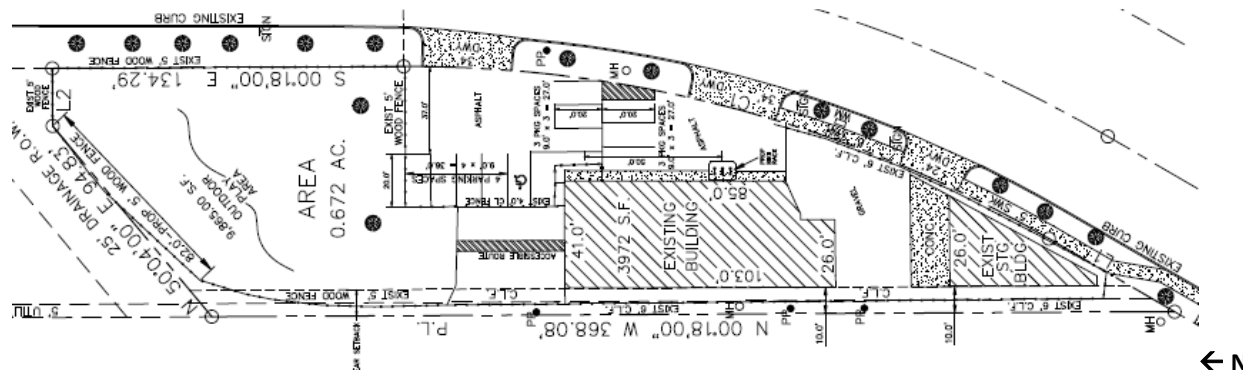


DESCRIPTION OF REQUEST

The Detailed Site Plan Approval is required because of the special contract provision imposed by Ordinance 4551. The current use of the subject property is a day care center. The detailed site development plan, if approved, will allow for a recently-constructed storage structure to obtain building permits and remain. The Detailed Site Development Plan shows the existing daycare center building and the newly-constructed storage structure. Access is proposed from Vista de Oro Street.

DETAILED SITE PLAN ANALYSIS

CONSIDERATION CRITERIA: To grant the detailed site development plan, the following requirements must be met per 20.04.150.D.3:



- The boundaries of the tract proposed for development (*Shown on site plan*);
- Location and arrangement of structures (*Discussed below*);
- Whether the use conforms to applicable zoning regulations (*Discussed in the next section*);
- If applicable, whether historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval (*Not applicable*);
- Location of utility rights-of-way and easements and stormwater drainage (*Shown on site plan*);
- Vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas (*Discussed below*).

Planning Staff has reviewed the detailed site development plan and found that it meets all applicable requirements. The character and scale of the improvements shown are consistent with the established character of the surrounding neighborhood, which is comprised of commercial, light industrial uses, with apartment uses beyond. The subject property does not lie within an historic district and no historic preservation review is required. The landscaping shown on the site plan meets applicable requirements. The parking configuration shown on the site plan meets the requirements of 20.14 – Off-Street Parking, Loading, and Storage Standards.

RELATION OF PROPOSED CHANGE TO THE CITY'S COMPREHENSIVE PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<p><u>G-4, Suburban (Walkable)</u></p> <p>This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The existing and proposed configuration of the subject property and its improvements are consistent with the G-4, Suburban (Walkable) growth sector. It also, as recommended for the G-4 sector, provides a civic use in the form of a child care center within a short distance of numerous small and medium centers of employment.</p>
ZONING DISTRICT	DOES IT COMPLY?
<p><u>C-4/sc (Commercial/special contract)</u></p> <p>The purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.</p>	<p>Yes, the child care use is permitted in the C-4 (Commercial) District, and all applicable requirements are met. The improvements depicted on the site plan also demonstrate compliance with the additional regulations for child care facilities imposed by El Paso City Code Section 20.10.140. The subject property also complies with the conditions of the special contract imposed by Ordinance 4551, provided that this Detailed Site Development Plan is approved as required.</p>
POLICY	DOES IT COMPLY?
<p><u>Policy 2.2.5</u></p> <p>The design of new neighborhoods and additions to existing neighborhoods should strive for a balance of housing, jobs, shopping, recreation, and civic uses to avoid unnecessary travel and reduce infrastructure and public services costs.</p>	<p>The subject property provides a civic use in the form of a child care center within 1,000 feet of over twenty commercially or industrially zoned properties, one apartment complex, and one residential neighborhood.</p>

SUITABILITY OF SITE FOR PROPOSED USE UNDER CURRENT ZONING: The existing use is permitted by right in the C-4 (Commercial) District. The configuration of improvements meets the requirements of the C-4 (Commercial) District as well as the supplemental use regulations of El Paso City Code Section 20.10.140, which impose additional standards for child care facilities.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the C-4 (Commercial) District is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Approval of the proposed detailed site development plan would retroactively authorize the expansion of a use that is permitted by right in the C-4 (Commercial) District and provides a childcare facility adjacent to multiple small and medium centers of employment. The subject property meets all applicable code requirements for approval of the detailed site development plan.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The proposed improvements were reviewed for adequacy of the existing infrastructure and it was found to be capable of supporting the development. No negative comments were received from other reviewing departments. See Attachment 3 for further details.

EFFECT UPON THE NATURAL ENVIRONMENT: The subject property is not within an arroyo or other environmentally-sensitive area, and no negative impacts are anticipated.

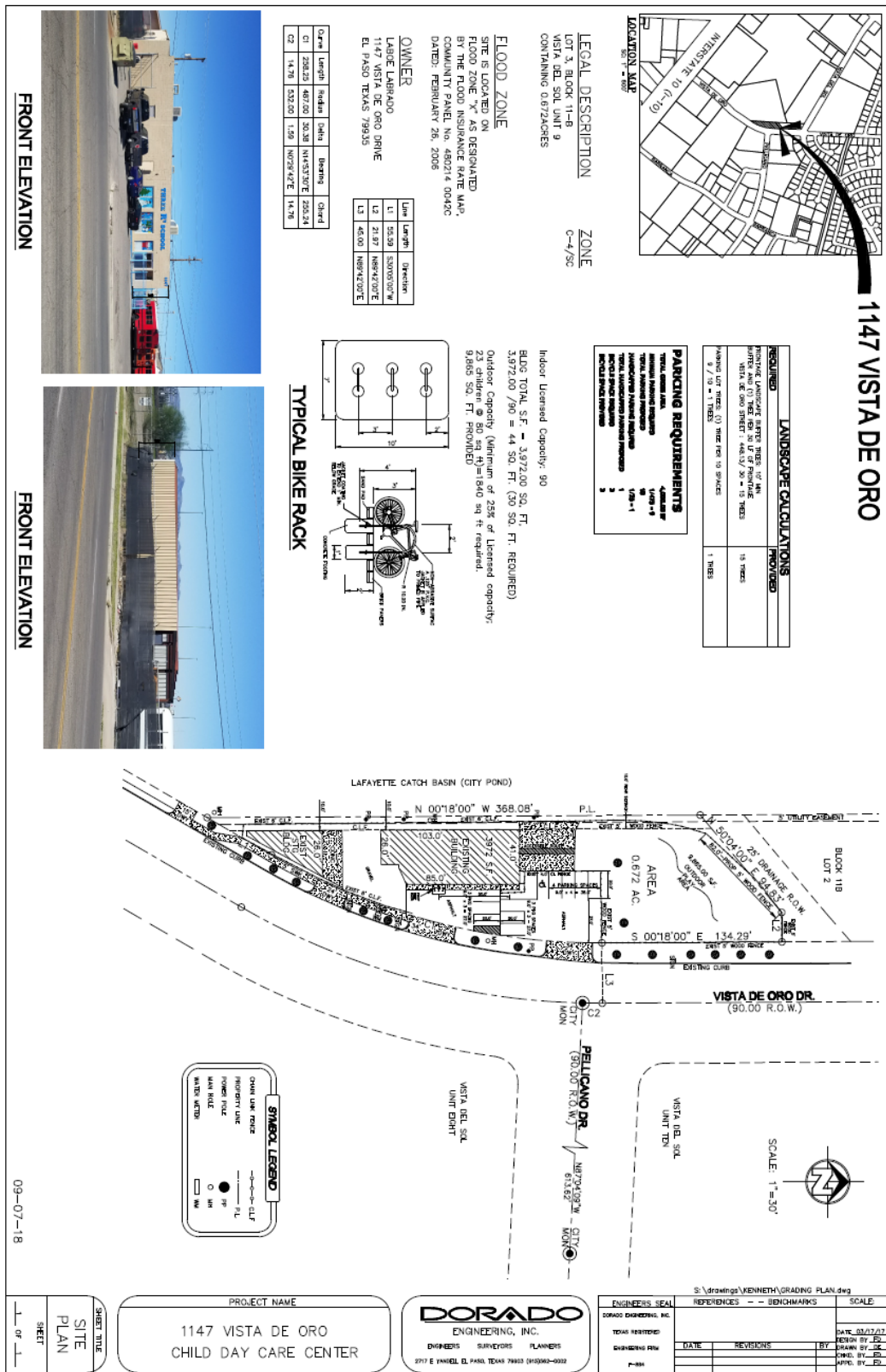
STAFF COMMENTS: No objections to proposed special permit and detailed site development plan approval. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

OTHER APPLICABLE FACTORS: Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

ATTACHMENTS:

1. Detailed Site Development Plan
2. Zoning Map
3. Future Land Use Map
4. Department Comments
5. Zoning Ordinance No. 4551

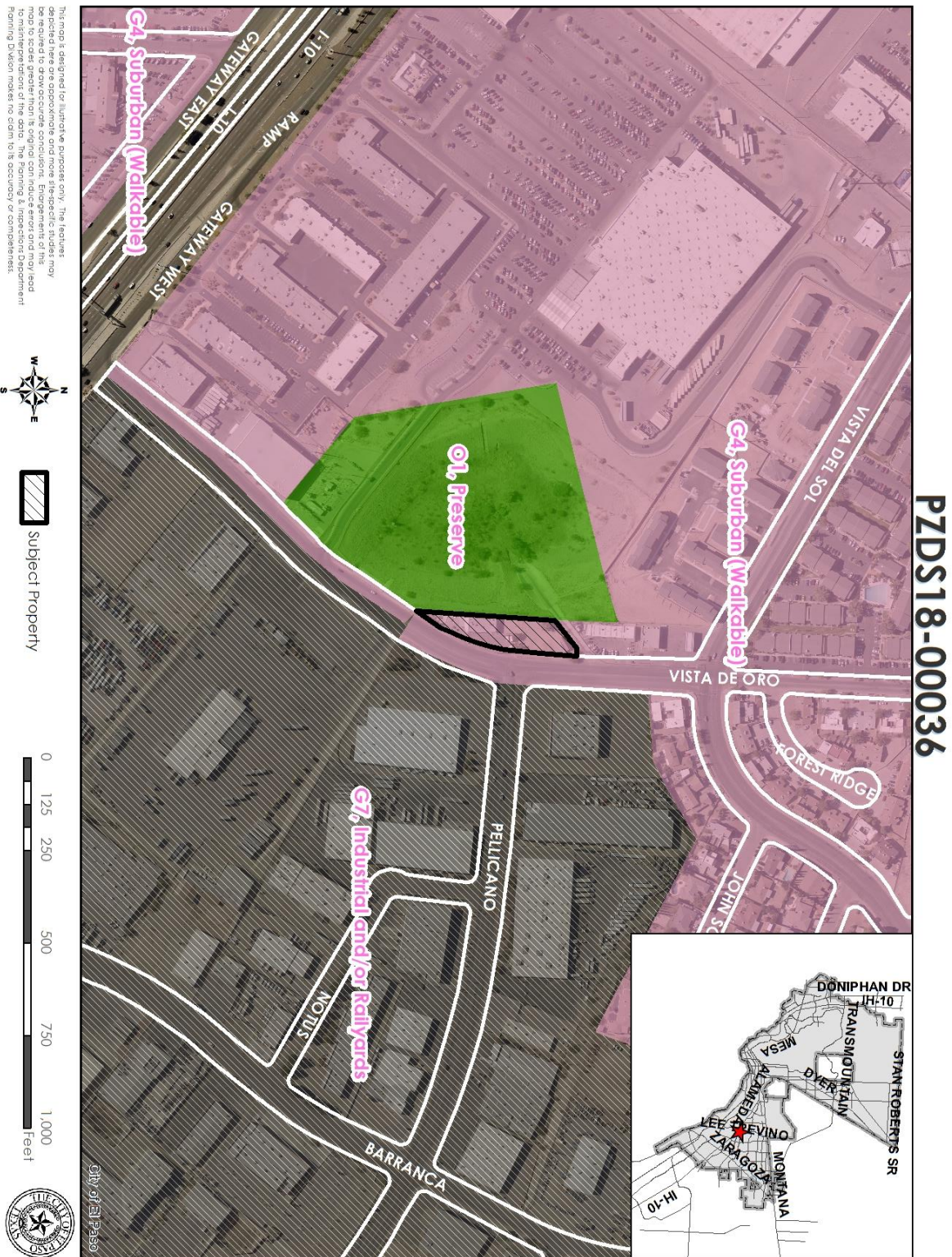
ATTACHMENT 1: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 2: ZONING MAP



ATTACHMENT 3: FUTURE LAND USE MAP



ATTACHMENT 4: DEPARTMENT COMMENTS

Planning and Inspections Department - Planning Division

- ~~1. Show the dimensions and setbacks of all existing and proposed structures. (Comment satisfied)~~
- ~~2. Show the required 10' rear yard setback for the C-4 (Commercial) District. (Comment satisfied)~~
- ~~3. It appears that neither building meets this setback. Please provide evidence of lawful construction for a legal nonconforming registration. If the structures were not built with permits, they will need to be modified to meet the setback requirements. Revised site plan shows structures meeting setback.~~
- ~~4. Show a solid wall (not a chain link fence) at least 4' in height along all interior lot lines. This wall is a requirement of El Paso City Code 20.10.140.B.2. Missing along westerly property line, where City Code requires 6' adjacent to drainage facility (20.16.020.C). (Comment satisfied)~~
- ~~5. Show the required outdoor play area per 20.10.140.B. (Comment satisfied)~~
- ~~6. Show a table that demonstrates that the subject property is providing 30 square feet of indoor activity space per child (El Paso City Code 20.10.140.B.4) and 80 square feet of outdoor play space per child using the playground at a time (El Paso City Code 20.10.140.B.5). (Comment satisfied)~~
- ~~7. All outdoor play areas shall be accessible by a safe route and enclosed by a building or fence 4' in height (20.10.140.B.5). We need to see this shown on the site plan. Label the route. (Comment satisfied)~~
- ~~8. Show parking stall dimensions. (Comment satisfied)~~
- ~~9. Show distance from bicycle rack to primary entrance. (Comment satisfied)~~
- ~~10. Show elevations for both buildings. Include the building height on the elevation pictures. (Comment satisfied)~~
- ~~11. Correct zone label to "C-4/sc." (Comment satisfied)~~
- ~~12. Correct the label of the storage building to indicate that it is existing, not proposed. (Comment satisfied)~~
- ~~13. Change bicycle rack location to meet minimum standards. Fifty percent of required bicycle spaces must be located within 50 feet of the primary entrance (20.14.110.B). (Comment satisfied)~~
- ~~14. Fix label on bicycle parking requirements, minimum number of bicycle spaces required is 3, not 1 (Appendix C). (Comment satisfied)~~

Texas Department of Transportation

Site is not abutting TxDOT Right of Way.

Planning and Inspections Department – Plan Review & Landscaping Division

15. Recommend approval. Any proposed work shall meet all adopted codes and city ordinances when construction documents are submitted for building permit.

Planning and Inspections Department – Land Development

1. See Stormwater comments on the next page

Sun Metro

Recommend approval.

Fire Department

Recommend approval.

Police Department

Thank you for letting us know about this change. We do not see any conflicts.

El Paso Water Utilities

We have reviewed the subdivision and provide the following comments:

EPWater-PSB does not object to this request.

EPWU-PSB Comments

16. There is an existing 12-inch diameter water main that extends along the east side of Vista de Oro Drive, approximately 20-feet west of and parallel to the eastern right-of-way line. This water main is available for service.
17. EPWU records indicate one active services, (1) 1-inch water meter, serving the subject property. The service addresses for this meter is 1147 Vista de Oro Drive.
18. Previous water pressure from fire hydrant #3107 located on the southeast corner of the intersection of Vista de Oro Drive. and Pellicano Drive has yielded a static pressure of 112 (psi), a residual pressure of 106 (psi), and a discharge of 1087 gallons per minute.
19. The owner should, for his own protection and at his own expense, install a pressure regulator, strainer and relief valve at the discharge side of each water meter to be set at a pressure desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

20. There is an existing 8-inch diameter sanitary sewer main that extends along the west side of Vista de Oro Drive, approximately 40-feet east of and parallel to the western right-of-way. This sanitary sewer main is available for service.
21. There is an existing 12-inch diameter sanitary sewer main that extends along the west side of Vista de Oro Drive, approximately 20-feet east of and parallel to the western right-of-way. This sanitary sewer main is available for service.

General

22. EPWater requires a new service application for additional services to the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

1. EPW - Stormwater Engineering recommends using principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff and to mitigate adverse downstream drainage conditions.

ATTACHMENT 5: ORDINANCE NO. 4551

[will attach to PDF]

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF TRACT 1K, BLOCK 1, ASCARATE
GRANT, THE PENALTY BEING AS PROVIDED IN
SECTION 25-10 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of the following described portion of Tract 1K,
Block 1, Ascarate Grant be changed to C-4 within the meaning of the Zon-
ing Ordinance, and the zoning map of the City be revised accordingly:

Beginning at a point, said point being the intersection of the easterly boundary
line of Vista del Sol, Unit Two, with the southerly right of way line of Vista
del Sol Drive;

Thence along the southerly right of way line of Vista del Sol Drive, South
62° 41' 43" East a distance of 1.47 feet;

Thence along said right of way line 85.35 feet along the arc of a curve to the
left, whose interior angle is 11° 46' 59" whose radius is 415.00 feet and whose
chord bears South 68° 35' 12" East a distance of 85.20 feet;

Thence 25.89 feet along the arc of a curve to the right, whose interior angle
is 74° 10' 42" whose radius is 20.00 feet and whose chord bears South 37°
23' 21" East a distance of 24.12 feet to the proposed westerly right of way line
of Vista del Oro Drive;

Thence along said right of way line South 0° 18' 00" East a distance of 454.38
feet;

Thence along said right of way line 258.25 feet along the arc of a curve to
the right, whose interior angle is 30° 23' 00", whose radius is 487.00 feet
and whose chord bears South 14° 53' 30" West a distance of 255.24 feet;

Thence along said right of way line South 30° 05' 00" West a distance of 55.59
feet to the easterly boundary line of Vista del Sol, Unit Two;

Thence along said boundary line North 0° 18' 00" West a distance of 800.09
feet to the point of beginning and containing in all 64,828.396 square feet or
1.488 acres of land, more or less.

PASSED AND APPROVED this 14 day of February,
1971.

R. L. Tuttle
Mayor

ATTEST:

R. L. Tuttle
City Clerk

Special Contract

1223006

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with Eastside Industrial Properties, Inc., a corporation, and the State National Bank of El Paso, a corporation, Trustee, placing certain restrictions on property rezoned by Ordinance No. 4551.

ADOPTED this 14 day of January, 1971.

R. H. Habel
Mayor

ATTEST:

R. H. Habel
City Clerk

CONTRACT

This contract, made this 6th day of January, 1971,
by and between Eastside Industrial Properties, Inc., a corporation, and the
State National Bank of El Paso, a corporation, Trustee, First Parties, and
the City of El Paso, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a
portion of Tract 1K, Block 1, Ascarate Grant in the City of El Paso, El Paso
County, Texas, such property being more particularly described in Ordinance
No. 4551, now pending before the City Council of the City of El Paso, a
copy of which is marked Exhibit "A", attached hereto and made a part hereof
by reference.

In order to remove certain objections to such rezoning, First Parties
covenant that if the property is rezoned as indicated in the attached ordinance,
it shall be subject to the following restrictions:

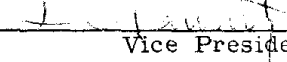
- 1) No building permits will be issued for construction on the prop-
erty until complete and detailed site development plans have been approved
by the City Plan Commission of the City of El Paso.
- 2) Concurrently with construction on the property, First Parties, or
their successors in title, will at no cost to the City erect a fence along the
part of the westerly property line of Tract 1K, Block 1, Ascarate Grant, which
abuts the City flood retention basin located on Tract 3C, Block 1, Ascarate
Grant. Such fence shall be constructed in accordance with plans and specifi-
cations to be approved by the City Engineer and must be accepted by him on
completion. Such fence will be repaired and maintained in good condition by
First Parties, their successors and assigns.

This agreement is a restriction, condition and covenant running with
the land and a charge and servitude thereon, and shall bind First Parties and
their successors in title. Any future conveyance of the land shall contain this
restriction, condition and covenant and shall embody this agreement by ex-
press reference.

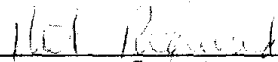
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Witness the following signatures and seals:

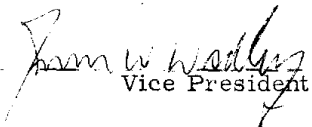
EASTSIDE INDUSTRIAL PROPERTIES,
INC., a corporation

by 
Vice President

ATTEST:


Secretary

THE STATE NATIONAL BANK OF EL
PASO, a corporation, Trustee

by 
Vice President + Trust Officer

ATTEST:


Cashier

THE CITY OF EL PASO

by 
Mayor

ATTEST:


City Clerk

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared I. T. SCHWARTZ, Vice President of EASTSIDE INDUSTRIAL PROPERTIES, INC., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 6th day of January, 1971.

Charlene A. McDaniel
Notary Public in and for El Paso County,
Texas.

CHARLENE A. MCDANIEL, Notary Public
in and for El Paso County, Texas
My commission expires June 1, 1971

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared James H. Wadley, Vice President of THE STATE NATIONAL BANK OF EL PASO, a corporation, Trustee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 6th day of January, 1971.

James H. Wadley
Notary Public in and for El Paso County,
Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared PETER DE WETTER, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 14 day of Jan, 1971.

L. ALICIA VIDAL, Notary Public
in and for El Paso County, Texas
My commission expires June 1, 1971

L. Alicia Vidal